

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**JAMES RIVER EQUIPMENT,
VIRGINIA, LLC, a Virginia Limited
Liability Company,**

PLAINTIFF,

v.

**Civil Action No. 5:13-cv-28160
Honorable Irene Berger**

**JUSTICE ENERGY COMPANY, INC. a
West Virginia Corporation,**

DEFENDANT.

MOTION FOR DEFAULT JUDGMENT

COMES NOW Plaintiff James River Equipment, Virginia, LLC, a Virginia Limited Liability Company, by counsel, Jason S. Hammond and the law firm of Bailey & Wyant, PLLC, and hereby moves the Court for entry of an Order of Default Judgment pursuant to Rule 55 of the *Federal Rules of Civil Procedure* against Defendant Justice Energy Company, Inc, a West Virginia Corporation. In support thereof, Plaintiff does show and accord as follows:

1. Plaintiff filed its Complaint with the Clerk of this Court on November 6, 2013.
2. That on November 7, 2013 the Defendant was duly and properly served with a copy of the Summons and Complaint through the West Virginia Secretary of State pursuant to Rule 4(e)(1) of the *Federal Rules of Civil Procedure* and Rule 4(d)(1)(c) of the *West Virginia Rules of Civil Procedure*. See Exhibits A, B, and C.¹

¹ Plaintiff's Summons in a Civil Case of Defendant Justice Energy is attached as **Exhibit A**, for easy reference. United States Postal Service Receipt for mailing the Summons through Certified Mail is attached as **Exhibit B**, for easy reference. The West Virginia Secretary of State's Acknowledgment that Service was accepted on behalf of Defendant as Defendant's attorney-in-fact is attached as **Exhibit C**, for easy reference.

3. That the Defendant had twenty-one (21) days to respond to the Complaint pursuant to Rule 12(a) of the *Federal Rules of Civil Procedure*.

4. That the Defendant has failed to appear, plead or otherwise defend in this matter.

5. That the undersigned counsel has conducted a detailed search of the records maintained by the Clerk of this Court and no appearances whatsoever have been made either by or on behalf of the Defendant.

6. That the Defendant is not a minor or incompetent person in accordance with Rule 55 and Rule 4(e)(1) of the *Federal Rules of Civil Procedure* and Rule 4(d)(1) of the *West Virginia Rules of Civil Procedure*.

7. That the Defendant is duly and legally obligated unto the Plaintiff for \$156,112.16, which includes interest at a rate of 1.5% per month, being owed under the contract and/or on any future judgments entered against it on behalf of the Plaintiff James River Equipment in this civil action. *See Exhibits D and E.*² The attached Exhibit D is a true and correct copy of James River Equipment, Virginia LLC's invoices to Defendant Justice Energy Company Inc.

WHEREFORE, Plaintiff James River Equipment, Virginia LLC prays that it be granted judgment in its favor and against Defendant Justice Energy Company Inc. in the amount of \$148,496.14, plus costs associated with the prosecution of this action and interest thereon and that it be granted such other relief as the Court deems just and proper.

² Affidavit of Darrell Printz, authorized representative of Plaintiff, is attached as **Exhibit D**, for easy reference. Plaintiff's Invoice of the balance owed by Defendant is attached as **Exhibit E**, for easy reference.

**James River Equipment, Virginia LLC,
By Counsel,**

/s/ Jason S. Hammond
Jason S. Hammond (WV Bar #8042)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
T: 304.345.4222
F: 304.343.3133
jhammond@baileywyant.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**JAMES RIVER EQUIPMENT,
VIRGINIA, LLC, a Virginia Limited
Liability Company,**

PLAINTIFF,

v.

**Civil Action No. 5:13-cv-28160
Honorable Irene Berger**

**JUSTICE ENERGY COMPANY, INC. a
West Virginia Corporation,**

DEFENDANT.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing “**MOTION FOR DEFAULT JUDGMENT**” was served upon the following parties through via U.S. Mail and the Court’s Electronic Case Filing (ECF) system on this day, Thursday, December 19, 2013:

Justice Energy Company, Inc., a West Virginia Corporation, through
Roman Semenov
100 Cranberry Drive
Beckley, WV 25801

/s/Jason S. Hammond
Jason S. Hammond (WV Bar #8042)
BAILEY & WYANT, PLLC
500 Virginia Street, East, Suite 600
Post Office Box 3710
Charleston, West Virginia 25337-3710
T: 304.345.4222
F: 304.343.3133
jhammond@baileywyant.com